

EXHIBIT 2

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

5 JAMES KUYKENDALL,)
6 Plaintiff,)
7 Vs.) CIVIL ACTION NO.
8 AMAZON STUDIOS, LLC,) 5:20-cv-219
9 et al.,)
10 Defendant.)
_____)

ZOOM VIDEOTAPED DEPOSITION ANDREAS OLYMBIOU
Los Angeles, California
Wednesday, October 6, 2021
Volume I

Reported by:

LORI M. BARKLEY
CSB No 6426

Job No. 4831287

PAGES 1 - 52

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

LAREDO DIVISION

Zoom Videotaped deposition of ANDREAS
OLYMBIOU, Volume I, taken on behalf of Plaintiff, at
Los Angeles, California, beginning at 1:29 p.m., and
ending at 3:02 p.m., on Wednesday, October 6, 2021,
before LORI M. BARKLEY, Certified Shorthand Reporter
No. 6426.

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1 APPEARANCES :

2

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21 ALSO PRESENT:

22 Marisa Fermin

23 (Chief Legal Officer of Industrial Media)

24 Videographer: Brian Keilhack

25

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| 17 | Exhibit 2 | Article by Jyotsna Bosotia, dated May 15, 2020, 7 pages | 25 |
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| 20 | Exhibit 4 | E-mail Chain from July 2020, Bates stamped IPC0067 through IPC0068 | 31 |
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| 4 | Exhibit 5 | "The Last Narc" Executive Producer and Director Agreement between OPC Television, LLC and Tiller Russell, with Lender Tillerman Films, Amendment, Bates stamped RUSSELL0001 through RUSSELL0023 | 33 |
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| 11 | Exhibit 6 | "The Last Narc" Executive Producer and Director Agreement between OPC Television, LLC and Tiller Russell, with Lender Tillerman Films, Amendment, Bates stamped RUSSELL0001 through RUSSELL0023 | 33 |
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| 19 | Exhibit 7 | E-mail Chain from August and October 2018, Bates stamped IPC0113 through IPC0115 | 34 |
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3 INSTRUCTION NOT TO ANSWER

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7 Please note that today's proceedings are
8 being videotaped, and anything being said while on
9 the record may be picked up and put on the record.

10 Furthermore, audio and video recording will
11 continue to take place unless all parties agree to go
12 off the record.

13 This is Media Unit 1 of the video recorded
14 deposition of Andrew Olymbiou, in the matter of Hamie
15 Kuykendall versus Amazon Studios, LLC, et al., filed
16 in the United States District Court for the Southern
17 District of Texas, Laredo Division. Case number
18 5:20-cv-219.

19 This deposition is being held at
20 Intellectual Property Corporation, located at Van
21 Nuys, California 91411.

22 My name is Brian Keilhack, from the firm
23 Veritext, and I'm the videographer. The court
24 reporter is Lori Barkley, from the firm Veritext.

25 Counsel, at this time I ask that you

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1 introduce yourselves and your affiliations starting
2 with our deposing counsel.

3 After introductions have been made, the
4 court reporter will swear in the witness.

5 Thank you very much.

6 MS. KAPPUS: My name is Carmel Kappus from
7 the law firm Dicello Levitt & Gutzler, and my firm
8 represents Hymie Kuykendall in this matter. And I'm
9 here with my colleague, Frank Amanat, and I'm also
10 here appearing on Zoom is our colleague Megan
11 McKenzie.

12 MS. PRATHER: I'm Laura Prather. I'm with
13 the law firm of Haynes & Boone. I'm here with my
14 colleague, Alex Lutzky, who is appearing by Zoom, and
15 we represent IPC Corporation.

16 MR. STRACHER: My name is Cameron Stracher.
17 I'm with the firm of Cameron Stracher PLLC, and on
18 Zoom with us on my associate, Sara Tesoriero, New
19 York, and we represent the individually named
20 defendants in this lawsuit.

21 MS. FERMIN: My name is Marisa Fermin, and
22 I'm chief legal officer of Industrial Media, a parent
23 of IPC.

24 MS. FREEMAN: I'm Cydney Swofford Freeman
25 with the firm Davis Wright Tremaine LLC, representing

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1 Defendant Amazon Studios, LLC.

2

3 ANDREAS OLYMBIOU,

4 having been administered an oath, was examined and
5 testified as follows:

6

7 EXAMINATION

8 BY MS. KAPPUS:

9 Q. Good afternoon. My name is Carmel Kappus.
10 As I said previously, my firm represents the
11 plaintiff in this matter.

12 Before we begin, how do you pronounce your
13 last name?

14 A. It's Olymbiou.

15 Q. Olymbiou. Nice to meet you, Mr. Olymbiou.

16 Have you ever been deposed before?

17 A. No, I've not.

18 Q. Have you ever testified in a legal
19 proceeding before?

20 A. No, I've not.

21 Q. Okay. So just some basic instructions. You
22 are sworn to tell the truth today, so we ask that you
23 answer all questions truthfully.

24 When I ask a question, I'm just going to ask
25 you to respond verbally because the court reporter

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1 not necessarily incentivized on the distribution of
2 said film.

3 BY MS. KAPPUS:

4 Q. Do you know if there were multiple bidders
5 for the series "The Last Narc"?

6 A. I don't know.

7 Q. Before picking a distributor, does IPC do
8 its own internal analysis of profitability before
9 picking a distributor?

10 A. No.

11 Q. Can you tell me what factors go into picking
12 a distributor?

13 A. So when we have a film, it's only an idea
14 that we've developed. We spend let's say 20,000
15 putting together here's the concept for a film. We
16 would then go to the different networks, and ideally
17 more than one wants to buy it, with the main factor
18 is how much -- that the -- how much they'll pay for
19 the production of the -- of the film, and also what
20 the best home for it is.

21 So the business model for IPC is the
22 producing of the film because we get a production
23 fee, not distribution of the -- that's for the
24 networks to make back the -- the cost of making the
25 film.

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1 Q. Does IPC have an interest in having viewers
2 in the United States as well as worldwide?

3 MR. STRACHER: Objection to form.

4 MS. PRATHER: Objection to form.

5 MR. AMANAT: I didn't hear. There was some
6 side comment there. What was the side comment?

7 MS. PRATHER: No side comment. It was just
8 an objection form, simultaneously made by myself and
9 Mr. Stracher.

10 MR. AMANAT: Okay. I think you were talking
11 at the same time, so it got a little bit garbled.

12 THE WITNESS: It's not a factor when picking
13 a -- someone to make the show with.

14 BY MS. KAPPUS:

15 Q. But after IPC picked Amazon for this
16 particular project, did IPC want the most viewers
17 possible for the series in the U.S. and also outside
18 of the U.S.?

19 MS. PRATHER: Objection, form.

20 BY MS. KAPPUS:

21 Q. You can answer.

22 A. In terms of in the U.S., we're not
23 financially incentivized for viewers. We, of course,
24 want the show to do well 'cause we want the good
25 reputation, but in terms of financial monetization,

1 it doesn't impact us at all.

2 Outside the U.S., I can't answer that. It
3 depends on a variety of factors. From IPC's
4 perspective, they could not add -- they could not put
5 the show on the platform and we would still make the
6 same money.

7 Q. You testified earlier that in addition to
8 making a profit you also pick a distributor that
9 would give the film the best home. What do you mean
10 when you say "the best home," to what is that
11 referring?

12 A. That's more of a creative reason. So it's
13 if we're selling a cooking show, we'd prefer it to go
14 on our like Food Network than, like, Oxygen that
15 specializes in true crime. And if ABC wants to buy a
16 show versus Discovery, we would want the bigger
17 network to have that show because there would be a
18 bigger audience, you know, just be better for the
19 company's representation.

20 Q. So why was Amazon Prime the best home for
21 "The Last Narc"?

22 MS. PRATHER: Objection, form. He's already
23 testified that he doesn't know about other bidders.
24 Calls for speculation.

25 MS. KAPPUS: I'm not asking about other